

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-221962

DATE: April 9, 1986

MATTER OF: Edmonds Electric, Inc.

DIGEST:

Protest that agency improperly handled correction of solicitation in issuing amendment to all solicitations sent prior to notice of its mistake, but only correcting remaining copies of solicitation for issuance after notice of mistake, is denied, since all bidders competed on an equal basis.

Edmonds Electric, Inc., protests the award of a contract to Metro Electric Company, Inc. (Metro), under invitation for bids (IFB) No. DAHA11-86-B-0005, issued by the Department of the Army for the installation of automatic emergency power transfer switches in various buildings at the O'Hare Air Reserve Forces Facility. We deny the protest.

The solicitation was issued on December 30, 1985. On January 7, 1986, Edmonds telephoned the contract specialist to inform him that a page was missing from the solicitation's technical specifications. On that same date, the Army issued amendment 0001 to the IFB to furnish the missing page to the bidders who already had received the solicitation. The Army then corrected the IFB by inserting the missing page into the technical specifications, so that six bidders who were provided solicitations after January 7 received corrected copies without amendment 0001.

By the January 29 bid opening date, the Army received seven bids. The first two low bids, submitted by Argon Electric Co., Inc., and Metro, initially were declared nonresponsive because the firms failed to acknowledge the amendment. Edmonds, the third low bidder, was notified that it was the apparent low acceptable bidder. That same day, the contracting officer noted from his records that Metro was one of six bidders that received a corrected copy of the solicitation. Consequently, Metro had no amendment to acknowledge, and its bid therefore was deemed responsive.

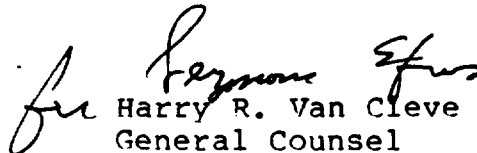
Edmonds complains that the Army's correction of the IFB specifications by amendment of solicitation packages issued

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prior to the discovery of the missing page and by insertion of the missing page in solicitation packages issued after that discovery was somehow improper and prejudicial to Edmonds or other bidders.

We find no merit to the protest. Each competitor received a copy of the IFB with the page in issue. The fact that some had to establish receipt of that page by acknowledging amendment 0001, whereas others only had to sign their bids, does not alter the fact that all bidders competed with each other on an equal basis; acceptance of Metro's bid will bind the firm to the same performance to which acceptance of the protester's bid would bind Edmonds. There is nothing in the record to indicate that Edmonds or any other bidder was prejudiced by the Army's actions.

The protest is denied.


Harry R. Van Cleave
General Counsel